

**Commonwealth of Massachusetts
Executive Office of Health and Human Services**

NOTICE OF PUBLIC HEARING

Pursuant to the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, the following four remote public hearings will be held on Friday, November 4, 2022, at the respective times listed below, relative to the proposed adoption of amendments to the following.

1. 9:00 a.m.: 101 CMR 417.00: Rates for Certain Elder Care Services. The rates for certain elder care services are being updated to include an increase by a cost adjustment factor (CAF) of 1.85%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2022 Forecast, optimistic scenario data. The CAF reflects the period between the rates’ base period (calendar year 2022 Q4) and the prospective period calendar years 2023 and 2024. The rates for the Central Intake and Assessment services have been updated based on purchaser recommendation for services’ programmatic costs. As part of the workforce initiative, the staff salaries have been benchmarked to the Massachusetts Bureau of Labor Statistics (BLS) median wages as dated May 2021. The staff full-time equivalents displayed in the model budgets have been identified in specific categories and aligned with the requirements in the purchasing departments procurement and contract documents. An additional five full-time direct service employees have been added to the model budget to support the approximate 40% growth experienced in these programs over the past two years. The tax and fringe rate has been benchmarked to 24.22%. This benchmark is derived from the MA Comptrollers FY22 approved rate less terminal leave and retirement. This benchmark does include the employer and employee contribution required by the Massachusetts paid family and medical leave law and an additional 2% to be used to promote workforce initiatives such as retirement benefits. The total annualized cost to state government from the increase in rates established by this regulation is approximately \$436,533, which represents a total increase of 21.07% over FY22 projected spending of approximately \$2.1M. This cost will not be realized until January 1, 2023, at which point the FY23 cost to state government will be \$218,266.

2. 9:30 a.m.: 101 CMR 414.00: Rates for Family Stabilization Services. The rates for family stabilization services, specific to the Department of Mental Health’s flexible supports program rates, are being updated to include an increase by a cost adjustment factor (CAF) of 1.85%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2022 Forecast, optimistic scenario data. The CAF reflects the period between the rates’ base period (calendar year 2022 Q4) and the prospective period (calendar year 2023 through calendar year 2024). The rates for DMH’s flexible support services have been updated based on purchaser recommendation and the Uniform Financial Reports for FY2020 for services’ programmatic costs. The staff salaries have been benchmarked to the Massachusetts Bureau of Labor Statistics (BLS) median wages as dated May 2021. Finally, the tax and fringe rate has been benchmarked to 24.22%. This benchmark is derived from the MA Comptrollers’ FY22 approved rate less terminal leave and retirement. This benchmark does include the employer and employee contribution required by the Massachusetts paid family and medical leave law and an additional 2% to be used to promote workforce initiatives such as retirement benefits.

The total annualized cost to state government from the increase in rates amended by this regulation is \$1.3 million, which represents an increase of 11.03% over FY22 spending of approximately \$12.3 million. This cost will not be realized until January 1, 2023, at which point the FY23 cost to state government will be \$679,875.

3. 10:00 a.m.: 101 CMR 424.00: Rates for Certain Developmental and Support Services. The rates for certain developmental and support services, specific to the Department of

Developmental Services clinical team program rates, are being updated to include an increase by a cost adjustment factor (CAF) of 1.85%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2022 Forecast, optimistic scenario data. The CAF reflects the period between the rates' base period (calendar year 2022 Q4) and the prospective period calendar years 2023 and 2024. The proposed rates for this service have incorporated staff salaries benchmarked to the most recent Massachusetts Bureau of Labor Statistics (BLS) median wages for 2021. The tax and fringe rate has been benchmarked to 24.22%. This benchmark is derived from the MA Comptroller's FY22 approved rate less terminal leave and retirement. This benchmark includes the employer and employee contribution required by the Massachusetts paid family and medical leave law and an additional 2% to be used to promote workforce initiatives such as retirement benefits. Lastly, the rates associated with the day habilitation supplemental support services are being removed from this regulation because they have been incorporated into 101 CMR 348.00: *Rates for Day Habilitation Services*, which was filed as an emergency on July 1, 2022, and effective October 1, 2022. The total estimated annualized cost to state government from the increase in rates established by this proposed amendment is \$520K, which represents an increase of 7.68% over FY22 spending of approximately \$7.3 million. This cost will not be realized until January 1, 2023, at which point the FY23 estimated cost to state government will be \$260K.

4. 10:30 a.m.: 101 CMR 346.00: Rates for Certain Substance-Related and Addictive Disorders Programs. The proposed amendments to the ambulatory and recovery coach rates include an increase by a cost adjustment factor (CAF) of 1.85%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2022 Forecast, optimistic scenario data. The CAF reflects the period between the rates' base period (calendar year 2022 Q4) and the prospective period calendar years 2023 and 2024. The rates for the family and couple counseling will be benchmarked to the family psychotherapy service in 101 CMR 306.00: *Rates of Payment for Mental Health Services Provided in Community Health Centers and Mental Health Centers* (service code 90847), as the services are very comparable. The proposed rates for the Recovery Support Centers include an increase by a CAF of 5.63%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2022 Forecast, optimistic scenario data. The CAF reflects the period between the rates' base period (average fiscal year 2022 Q1 – Q4) and the prospective period calendar years 2023 and 2024. The model budgets for these services incorporate staff salaries benchmarked to the most recent Massachusetts Bureau of Labor Statistics (BLS) median wages for 2021. The tax and fringe rate has been benchmarked to 24.22%. This benchmark is derived from the MA Comptroller's FY22 approved rate less terminal leave and retirement. This benchmark does include the employer and employee contribution required by the Massachusetts paid family and medical leave law and an additional 2% to be used to promote workforce initiatives such as retirement benefits.

The proposed amendments to the ambulatory and recovery coach rates for DPH result in an overall increase in state spending of 30.89% or \$815K from FY22 spending of \$2.6M. The proposed annualized impact of the new Recovery Support Center rates for DPH result in an overall increase in state spending of 48% or \$4.8M from FY22 comparable spending of \$10.1M. The proposed amendments to the ambulatory and recovery coach rates for MassHealth result in an overall increase in state spending of 44.91% or \$113K from FY22 spending of \$252K. The total annualized costs for FY23 to state government will be \$5.7M. The costs will not be realized until January 1, 2023, at which point the FY23 fiscal impact to state government for DPH will be \$2.8M and for MassHealth will be \$57K.

The proposed amended regulations contain rates effective for dates of service on or after January 1, 2023. There is no fiscal impact on cities and towns.

To register to testify at any of the hearings and to get instructions on how to join the hearing online, go to www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings. To join the hearing by phone, call (646) 558-8656 and enter meeting ID 935 397 8200# when prompted.

You may also submit written testimony instead of, or in addition to, live testimony. To submit written testimony, please email your testimony to ehs-regulations@mass.gov as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All written testimony must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on Friday, November 4, 2022.

To review the proposed regulations, go to www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171. To view or download supporting materials, go to www.mass.gov/service-details/proposed-regulations-supporting-materials.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at ADAAccommodations@mass.gov or by phone at (617) 847-3468 (TTY: (617) 847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a final, revised version of the proposed regulations taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings.

October 14, 2022